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HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			WILSON, ROBERT W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/975,518	KAPOOR ET AL.	
	Examiner	Art Unit	
	ROBERT W. WILSON	2475	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2010.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,29-35,38-41,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,29-35,38-41,43 and 44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/17/10, 7/10/06, 7/11/02.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claim 1, 2, 4, 29-30, & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alamouti (U.S. Patent No.: 5,933,421) in view of Gardner (5,260,968)

Referring to claim 1, Alamouti teaches: in a multi-point communication system having a receiver and transmitter disposed at a primary site for communication with a plurality of remote units disposed at respective secondary sites an antenna (Figure 1 shows a Remote stations or units in communication with a Base station which has a TRANS or transmitter and receiver which are in a multi point configuration) comprising:

Multiple receiving elements configured to receive communication over a carrier frequency from said plurality of remote units disposed at respective secondary sites (A & B per Fig 1 are elements which receive communication over F2 or carrier frequency from Remote Station U and Remote Station V which are disposed at respective secondary sites)

At least two receiving elements configured to receive the communication signals on the same frequency band during any period of time (A & B per Fig 1 are receiving elements which receive F2 or communication signals on the same frequency band)

Each group containing at least one receiving element (A and B contain at least one element per Fig 1)

Spatial diversity (per Fig 1)

Alamouti does not expressly call for: the receiving elements being partitioned into a plurality of group disposed remotely from one another by at least a predetermined minimum group spacing sufficient to obtain spatial diversity; at least one group containing multiple elements located proximal to one another and no farther apart than a predetermined maximum receiving element spacing to facilitate spatial diversity

Gardner teaches: the receiving elements being partitioned into a plurality of group disposed remotely from one another by at least a predetermined minimum group spacing sufficient to obtain spatial diversity (117, 119, and the 140s per Fig 7 represent three different groups. 117 and 119 are spaced at a maximum distance from the BS and 140 are spaced one half lambda col. 6 lines 4 to line 15); at least one group containing multiple elements located proximal to one another and no farther apart than a predetermined maximum receiving element spacing to facilitate spatial diversity (The 140s are the multiple elements located one half lambda to facilitate spatial diversity per col. 6 lines 4 to 15)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the receiving elements being partitioned into a plurality of group disposed remotely from one another by at least a predetermined minimum group spacing sufficient to obtain spatial diversity; at least one group containing multiple elements located proximal to one another and no farther apart than a predetermined maximum receiving element spacing to facilitate spatial diversity Gardner to the processing of Alamouti in order to perform spatial filtering.

Referring to claim 2, the combination of Alamouti and Gardner teach the communication system of claim 1, and predetermined maximum receiving spacing:

Alamouti does not expressly call for: maximum receiving elements spacing is no more than one-half time a wavelength corresponding to the carrier frequency

Gardner teaches: maximum receiving elements spacing is no more than one-half time a wavelength corresponding to the carrier frequency (col. 4 lines 1 to 9)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the maximum receiving elements spacing is no more than one-half time a wavelength corresponding to the carrier frequency of Gardner in place of the maximum element spacing of the combination of Alamouti and Gardner in order to maximize spatial resolution.

Referring to claim 4, the combination of Alamouti and Gardner teach: the communication system of claim 1

Almouti does not expressly call for: wherein said multiple elements constitute and adaptive antenna array and each group constitutes a subarray

Gardner teaches: wherein said multiple elements constitute and adaptive antenna array and each group constitutes a subarray (140s are multiple elements which are part of the adaptive array and the elements make up a subarray because 117 and 119 are different subarrays)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wherein said multiple elements constitute and adaptive antenna array and each group constitutes

a subarray of Gardner to the system of the combination of Almouti and Gardner in order to improve performance by improving spatial resolution

Referring to claim 29, Alamouti teaches: in a multi-point communication network (Figure 1 communication network in a multi point configuration) comprising:

A receiver and transmitter at a primary site (Base station which has a TRANS or transmitter and receiver which is at primary site per Fig 1)

A plurality of remote units disposed at second are site for communication with the receiver and the transmitter at said primary site (Plurality of Remote Stations or units at secondary site which communicate with TRANS at Base Station or primary site per Fig 1)

the primary site having an antenna including multiple receiving elements configured for receiving communication over a carrier frequency from the plurality of remote units (Base Station has A & B per Fig 1 are elements which receive communication over F2 or carrier frequency from Remote Station U and Remote Station V respectively)

At least two receiving elements configured to receive the communication signals on the same frequency band during any period of time (A & B per Fig 1 are receiving elements which receive F2 or communication signals on the same frequency band)

Spatial diversity (per Fig 1)

Alamouti does not expressly call for: the receiving elements being partitioned into a plurality of group disposed remotely from one another by at least a predetermined minimum group spacing sufficient to obtain spatial diversity; at least one group containing multiple elements located proximal to one another and no farther apart than a predetermined maximum receiving element spacing to facilitate spatial diversity

Gardner teaches: the receiving elements being partitioned into a plurality of group disposed remotely from one another by at least a predetermined minimum group spacing sufficient to obtain spatial diversity (117, 119, and the 140s per Fig 7 represent three different groups. 117 and 119 are spaced at a maximum distance from the BS and 140 are spaced one half lambda col. 6 lines 4 to line 15); at least one group containing multiple elements located proximal to one another and no farther apart than a predetermined maximum receiving element spacing to facilitate spatial diversity (The 140s are the multiple elements located one half lambda to facilitate spatial diversity per col. 6 lines 4 to 15)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the receiving elements being partitioned into a plurality of group disposed remotely from one another by at least a predetermined minimum group spacing sufficient to obtain spatial diversity; at least one group containing multiple elements located proximal to one another and no farther apart than a predetermined maximum receiving element spacing to facilitate spatial diversity

Gardner to the processing of Almouti in order to perform spatial filtering.

Referring to claim 30, the combination of Almouti & Gardner teach: the communication network of claim 29 and predetermined maximum spacing

The combination of Almouti does not expressly call for: spacing no more than one half time a wavelength

Gardner teaches: spacing no more than one half time a wavelength (min per col. 6 line 1 to 27)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add spacing no more than one half time a wavelength of Gardner to the network of the combination of Almouti and Gardner in order to improve performance by improving spatial resolution

Referring to claim 32, the combination of Almouti and Gardner teach: the network of claim 29

Almouti does not expressly call for: wherein said multiple elements constitute and adaptive antenna array and each group constitutes a subarray

Gardner teaches: wherein said multiple elements constitute and adaptive antenna array and each group constitutes a subarray (140s are multiple elements which are part of the adaptive array and the elements make up a subarray because 117 and 119 are different subarrays)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wherein said multiple elements constitute and adaptive antenna array and each group constitutes a subarray of Gardner to the system of the combination of Almouti and Gardner in order to improve performance by improving spatial resolution

3. Claim 3 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alamouti (U.S. Patent No.: 5,933,421) in view of Gardner (U.S. Patent No.; 5,260,968) further in view of Chang (U.S. Patent No.: 5,414,433)

Referring to claim 3, the combination of Almouti & Gardner teach: the communication system of claim 1 and the predetermined minimum

The combination of Almouti & Gardner do not expressly call for: predetermine minimum spacing no more than five time a wavelength

Chang teaches: predetermine minimum spacing no more than five time a wavelength (Figure 6)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add predetermine minimum spacing no more than five time a wavelength of Chang to the system of

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the combination of Almouti, & Gardner in order to increase the attenuation at the edge of the bandwidth

Referring to claim 31, the combination of Almouti & Gardner teach: the network of claim 29 and the predetermined minimum

The combination of Almouti & Gardner do not expressly call for: predetermine minimum spacing no more than five time a wavelength

Chang teaches: predetermine minimum spacing no more than five time a wavelength (Figure 6)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add predetermine minimum spacing no more than five time a wavelength of Chang to the system of the combination of Almouti, & Gardner in order to increase the attenuation at the edge of the bandwidth

4. Claims 5- 6 & 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alamouti (U.S. Patent No.: 5,933,421) in view of Gardner (5,260,968) further in view of Paulraj (U.S. Patent No.: 5,345,599)

Referring to claim 5, the combination of Almouti and Gardner teach: the communication system of claim 1

The combination of Almouti and Gardner do not expressly call for: means for electronically steering

Paulraj teaches: means for electronically steering (output of elements are mapped to Spatial Input Filter Input 1 to M and are weighted and summed into d groups per Fig 6 which results in steering and is performed by electronic components)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add means for electronically steering of Paulraj to the system of the combination of Almouti and Gardner in order to improve performance by improving spatial resolution

Referring to claim 6, the combination of Almouti and Gardner teach: the communication system of claim 1

The combination of Almouti & Gardner do not expressly call for: wherein said multiple element constitute a switched beam antenna

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Paulraj teaches: wherein said multiple element constitute a switched beam antenna (output of elements are mapped to Spatial Input Filter Input 1 to M and are weighted and summed into d groups per Fig 6 which results in performing switched beam antenna function)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wherein said multiple element constitute a switched beam antenna of Paulraj to the system of the combination of Almouti & Gardner in order to improve performance by improving spatial resolution

Referring to claim 33, the combination of Almouti and Gardner teach: the network of claim 29

The combination of Almouti and Gardner do not expressly call for: means for electronically steering

Paulraj teaches: means for electronically steering (output of elements are mapped to Spatial Input Filter Input 1 to M and are weighted and summed into d groups per Fig 6 which results in steering and is performed by electronic components)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add means for electronically steering of Paulraj to the system of the combination of Almouti and Gardner in order to improve performance by improving spatial resolution

Referring to claim 34, the combination of Almouti and Gardner teach: the network of claim 29

The combination of Almouti & Gardner do not expressly call for: wherein said multiple element constitute a switched beam antenna

Paulraj teaches: wherein said multiple element constitute a switched beam antenna (output of elements are mapped to Spatial Input Filter Input 1 to M and are weighted and summed into d groups per Fig 6 which results in performing switched beam antenna function)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wherein said multiple element constitute a switched beam antenna of Paulraj to the system of the combination of Almouti & Gardner in order to improve performance by improving spatial resolution

5. Claims 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alamouti (U.S. Patent No.: 5,933,421) in view of Gardener (5,345,599) further in view of Reece (U.S. Patent No.: 5,771,024)

Referring to claim 35, Alamouti teaches: an adaptive antenna array architecture for communication (Figure 1 is the architecture) the architecture comprising:

A plurality of adaptive arrays for signal reception wherein the array is spaced in order to obtain spatial diversity (A, B, C, and D per Fig 1 or plurality of adaptive arrays for signal reception and they are spaced with sufficient geographic separation or spatial diversity per col. 10 line 61)

A base station configured to control the adaptive antenna array structure (Figure 1 shows a base station which controls A, B, C, and D)

The arrays are spaced for spatial diversity (sufficient geographic separation or spatial diversity per col. 10 line 61)

Alamouti does not expressly call for: wherein the plurality of antenna arrays comprise a plurality of sub-arrays, each sub-array including at least two receiving elements the receiving elements in the subarrays being no farther apart than a predetermined maximum element spacing or an array fixation structure configured to position plurality of adaptive antenna arrays at desired elevation

Gardiner teaches: elements being partitioned into a plurality of groups and each group containing at least one element at least one group including multiple elements located proximate to one another (Elements 140 in one group while 117 and 119 are in another group per Fig 7 and the elements are spaced per one half wavelength per col. 6 line 5 to 27)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add elements being partitioned into a plurality of groups and each group containing at least one element at least one group including multiple elements located proximate to one another Gardiner to the processing of Alamouti in order to maximize spatial resolution while preventing grating lobes.

The combination of Alamouti and Gardner do not expressly call for: an array fixation structure for mounting said plurality of adaptive antenna arrays at desired elevation

Reeces teaches: An array fixation structure for mounting said plurality of adaptive antenna arrays at desired elevation (Fig 4 (h) per col. 8 lines 17 to 20 at street light or building height)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the array fixation structure for mounting said plurality of adaptive antenna arrays at desired elevation of Reece to the system of the combination of Alamouti and Gardner in order to mount the arrays in an environment that does not have a lot of space

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulraj (U.S.

Patent No.: 5,345,599) in view of Shattil (U.S. Patent No.: 6,008,760)

Referring to claim 38, Paulraj teaches: signal receiver (Figure 5 or receiver using spatial filter 88 which is shown in more detail in Figure 6) the receiver comprising:

An adaptive array configured to receive signals from remote units (m sub-arrays 72, 74 ,& 76 make up the adaptive array which receive signal from Transmitters or remote units per Fig 5 and per col. 7 line 49 to col. 8 line 49)

A plurality of demodulator units configured to process the signals (There are d demodulators 98 configured to process the signals per Fig 5 and Fig 6 and per col. 7 line 49 to col. 8 line 49)

A plurality of beam formers configured to construct a desired signal response (There are D of the combination of weighting and summing or D beam formers per Fig 6 and per col. 7 line 49 to col. 8 line 49)

A spatial diversity combiner configured to remove interferences from said signal (combiner 98 per Fig 5 inherently remove interference by combining signals per col. 7 line 49 to col. 8 line 49)

Paulraj does not expressly call for: response as a function of direction of arrival data of the signals the desired signal response pattern providing a higher relative gain in one or more angular direction that minimizing co-channel interference in other angular directions

Shattil teaches: response as a function of direction of arrival data of the signals the desired signal response pattern providing a higher relative gain in one or more angular direction that minimizing co-channel interference in other angular directions

(The processor per Fig 1 inserts delays and sums the output signal response in order to form beam patterns by steering to angles theta1 and theta2 shown in Fig 1 per col. 4 line 14 to col. 6 line 60. Specifically beam steering results in adjusting the spatial gain or desired signal response in angular direction and determining co-channel interference distribution on beam basis and subtracting the co-channel interference per col. 2 lines 38 to 60)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add response as a function of direction of arrival data of the signals the desired signal response pattern providing a higher relative gain in one or more angular direction that minimizing co-channel interference in other angular directions of Shattil to the processing of Paulraj in order to improve the spatial processing which will result in improved spatial interference processing.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulraj (U.S.

Patent No.: 5,345,599) in view of Shattil (U.S. Patent No.: 6,008,760) further in view of Forssen (U.S. Patent No.: 5,566,209)

Referring to claim 39, the combination of Paulraj and Shattil teach the receiver of claim 38

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The combination of Paulraj and Shatill do not expressly call for: direction of arrival processor configured to calculate a direction of arrival for the signals

Forssen teaches: direction of arrival processor configured to calculate a direction of arrival for the signals (18 per Fig 2 and per col. 4 lines 38 to 57 or direction of arrival processor)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add direction of arrival processor configured to calculate a direction of arrival for the signals of Forssen to the processing of the combination Paulraj and Shatill in order to improve the spatial processing which will result in improved spatial interference processing.

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulraj (U.S. Patent No.: 5,345,599) in view of Forssen (U.S. Patent No.: 5,566,209) further in view of Alamouti (U.S. Patent No.: 5,933,421)

Referring to claim 40, the combination of Paulraj and Forssen teach: the receiver of claim 38 and further comprising segmenting available bandwidth into a plurality of frequency bins (segmenting same channel which has a number of frequencies or bins for d signals per col. 7 lines 49 to 52)

The combination of Paulraj and Forseen do not expressly call for: OFDM

Alamouti teaches: OFDM (col. 2 line 65 to col. 3 line 230)

It would have been obvious to add OFDM of Almouti in place of the signal of the combination of Paulraj and Forssen (FM per col. 1 line 26 of Paulraj) in order to provide more capacity through the subchannels of OFDM.

9. Claims 41 & 44 are rejected under 35 U.S.C. 103(a) as being unpatentable Ward (U.S. Patent No.: 6,104,930) in view of Langlais (U.S. Patent No.: 6,091,932) further in view of Frodigh (U.S. Patent No.: 5,726,978)

Referring to claim 41, Ward teaches: a method for reducing signal interference (method described per col. 8 lines 1 to 50) the method comprising:

Assigning at least one frequency bin to a user (Assign carrier frequency f1 to MS1 or user while in B7 per col. 8 lines 1 to 50)

spacing the at least one frequency bin belonging to the user to at least one sufficiently different frequency to reduce inter-bin interference (MS1 moves to B6 and another frequency carrier or frequency bin is assigned which is available because no inherent inter-bin interference is present. This occurs because communication over F1 is B6 was lost per col. 8 lines 1 to 50)

locating the at least one frequency bin with at least one frequency bin to other users such that direction of arrival for said user are distinctly separable (Other inherent users are present because the allocation of carrier frequency is based upon frequencies which are underutilized which implies other users are using these carrier frequencies per col. 8 lines 1 to 50)

Ward does not expressly call for: assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users or at least one sufficiently different frequency as a function of minimizing signal strength of active bins to reduce inter-bin interference

Langlais teaches: at least one sufficiently different frequency as a function of minimizing signal strength of active bins to reduce inter-bin interference (tones spaced at a given frequency spacing which allows for the tones to be present for a longer period of time or increasing signal strength which reduces inter symbol or inter-bin interference per col. 4 lines 50 to 61)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the at least one sufficiently different frequency as a function of minimizing signal strength of active bins to reduce inter-bin interference of Langlais to the processing of Ward in order to minimize interference.

The combination of Ward and Langlais do not expressly call for: assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users

Frodigh teaches: assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users (subcarrier or frequency bins assigned to user within the set of subcarriers per col. 3 lines 1 to 13)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users of Frodigh to the processing of the combination of Ward and Laglasis in order to minimize co channel interference.

Referring to claim 44, Ward teaches: a method (Figure 10 performs the method) for avoiding interference in communication signals said method comprising:

Partitioning available bandwidth into a plurality of frequency blocks said frequency blocks comprising a plurality of bins (Bandwidth is divided into carrier frequencies of frequency blocks and each carrier frequency has time slots or bins per col. 10 line 37 to col. 11 line 42)

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Assigning as user to a bin in each of said frequency blocks (Carrier frequencies are assigned to users randomly. Slots are assigned based upon availability so a user can be assigned to a first carrier frequency with a slot and a second carrier frequency and another slot per col. 10 line 37 to col. 11 line 42)

Using signal power information to distribute said bins within said frequency blocks (The time slot or bins and carrier frequencies or blocks are available because no signals have been assigned; therefore signal power is used to as a distribution mechanism per col. 10 line 37 to col. 11 line 42)

Ward does not expressly call for: distributing the bins within the frequency blocks as a function of power of the bins.

Langlais teaches: distributing the bins within the frequency blocks as a function of power of the bins (tones or bins are spaced at a given frequency spacing which allows for the tones to be present for a longer period of time or increasing signal strength which reduces inter symbol or inter-bin interference per col. 4 lines 50 to 61)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add distributing the bins within the frequency blocks as a function of power of the bins of Langlais to the processing of Ward in order to minimize interference.

The combination of Ward and Langlais do not expressly call for: assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users

Frodigh teaches: assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users (subcarrier or frequency bins assigned to user within the set of subcarriers per col. 3 lines 1 to 13)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the assigning at least one widely spaced frequency bin to a user each bin being in a neighborhood of bins belonging to other users of Frodigh to the processing of the combination of Ward and Langlais in order to minimize co channel interference.

10. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable Ward (U.S. Patent No.: 6,104,930) in view of Frodigh (U.S. Patent No.: 5,726,978)

Referring to claim 43, Ward teaches: a method (Figure 2 performs the method) for allocating communication bandwidth; the method comprising:

Ward teaches: determining the first direction of a signal arrival for a first remote user and a second direction for a second remote user (a plurality of mobiles movement are tracked which would include a first and second mobile user using a narrow angular beam which allows for determination of direction per col. 2 lines 1 to 650

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assigning the first remote user to a first frequency bin and assigning the second remote user to a second frequency bin (An assignment of a first inherent remote user is made to B1 with f20. Another or second remote user in B3 is assigned an available frequency which does not include f20 because of interference per col. 11 line 43 to col. 14 line 44)

Ward does not expressly call for: assigning the second carrier frequency based on signal arrival such that the direction of signal arrival for adjacent frequency bins differ

Frodigh teaches: assigning the second carrier frequency based on a arrival signal such that the direction of the arrival for adjacent frequency bins differ (subcarrier or frequency bins assigned to user within the set of subcarriers within a link associated with a cell which makes signal arriving from different cells different per col. 3 lines 1 to 13)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add assigning the second carrier frequency based on a arrival signal such that the direction of the arrival for adjacent frequency bins differ of Frodigh to assigning of bins of Ward in order to minimize co channel interference.

Claim Rejections - 35 USC § 112

11. Claims 1-6 & 29-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, claim 1 appears to be directed to a communication system; however, the claim limitations are directed to an antenna. The relationship between the antenna and the communication system is unclear. It is also unclear whether the at least two receiving elements configured to receive the communication signal on the same frequency band are in the same group or different groups.

Referring to claim 5, claim 1 is directed to a system and the dependent claim is a means for claim; consequently, it is unclear whether applicant is invoking 112/6th paragraph.

Referring to claim 29, it is unclear whether the at least two receiving elements configured to receive the communication signal on the same frequency band are in the same group or different groups.

Referring to claim 33, claim 1 is directed to a system and the dependent claim is a means for claim; consequently, it is unclear whether applicant is invoking 112/6th paragraph

Claim Objections

12. Claims 2-6 & 30-34 are objected to because of the following informalities: The dependent claims 2-6 and 30-34 are objected to because they do not reflect consistent antecedent basis with the independent claim. The examiner recommends that the applicant amend the claim to be consistent with the independent claim. Appropriate correction is required.

13. Claims 5 and 33 are objected to because of the following informalities: Applicant appears to be invoking 112/6th paragraph. If applicant intends to invoke 112/6th paragraph, applicant needs to indicate on the record that 112/6th paragraph is being invoked. Rewrite claim 5 and 33 as independent claim utilizing means for language and point out which structure in the specification is being referred to for each means for. Appropriate correction is required.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 41, 43, & 44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 41, claim 41 is directed to a method; however, the claim language does not require that the method be implemented by a particular machine nor does the claim perform a transformation. Additionally no significant step in the claim language is performed by an inherent processor or machine; consequently, this claim is non-statutory.

Referring to claim 43, claim 43 is directed to a method; however, the claim language does not require that the method be implemented by a particular machine nor does the claim perform a transformation. Additionally no significant step in the claim language is performed by an inherent processor or machine; consequently, this claim is non-statutory

Referring to claim 44, claim 44 is directed to a method; however, the claim language does not require that the method be implemented by a particular machine nor does the claim perform a transformation. Additionally no significant step in the claim language is performed by an inherent processor or machine; consequently, this claim is non-statutory

Response to Amendment

16. Applicant's arguments with respect to claims 1-6, 29-35, 38-41, & 43-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Robert W Wilson/
Primary Examiner, Art Unit 2475

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